IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGEMENT NO. 323 OF 2003

IN

SUMMARY SUIT NO. 299 OF 2003

Man Industries Ltd. .. Plaintiff

versus

Transworld Logistics Pvt.Ltd. .. Defendant

...

Mr.Snehal Shah i/b V.Subramaniar for the plaintiff.

Mr.V.K. Rambhadran with N.S. Rodrigues for the defendant no.2.

CORAM : D.G. KARNIK,J.

DATED : 24th January 2005.

P.C.:

1. Heard the learned counsel for the parties.

2. A perusal of the plaint, affidavit in support of the Summons for Judgement and affidavit in reply shows that the suit is really for recovery of the

damages for breach of the contract and therefore, the suit cannot be tried as a summary suit. The defendant would have to be therefore granted unconditional leave to defend the suit.

3. Accordingly, defendants are granted unconditional leave to defend the suit. Suit shall stand transferred to the list of commercial causes. The defendant to file written statement within a period of one month.

D.G. KARNIK, J